

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JUL 05 2007

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN DALE GOODMAN, JAMES PATRICK HOFF,
RANDALL SCOTT SPRINGFIELD, and JAMES PETER WARD

Application No. 09/931,629

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 29, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On August 9, 2006, the examiner responded to the reply brief filed on July 31, 2006. The response contains additional arguments, which is improper. See § 1208.03 of the Manual of Patent Examining Procedure, which states:

Application No. 09/931,629

[A]ppellant may file a reply brief as a matter of right within 2 months from the mailing date of the examiner's answer. . . . The primary must then either: (A) acknowledge receipt and entry of the reply brief by using form paragraph 12.47 on form PTOL-90; or (B) reopen prosecution to respond to the reply brief. See MPEP § 1208.02.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) proper response to the reply brief filed on July 31, 2006; and 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: Patrick J. Nolan

PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/lbg

cc: ROBERT A. VOIGT, JR.
WINSTEAD SECHREST & MINICK PC
PO BOX 50784
DALLAS TX 75201